

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

ONE OR MORE UNKNOWN PURCHASERS
OF SECURITIES OF MARTEK
BIOSCIENCES CORPORATION,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 1/5/11

Case No. 10-CV-9527(WHP)

ECF case

**STIPULATION AND [PROPOSED] ORDER ON CONSENT IMPOSING
PRELIMINARY INJUNCTION AND OTHER RELIEF**

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff, the Securities and Exchange Commission ("Commission"), and Defendant Unknown Purchaser of Securities of Martek Biosciences Corporation, a/k/a Guiseppe Abatemarco ("Abatemarco"), a purchaser of call options of the common stock of Martek Biosciences Corporation during the relevant time, as follows:

I.

Pending a final adjudication on the merits, Abatemarco and his agents, servants, employees, attorneys-in-fact, and those persons in active concert or participation with him who receive actual notice of this Stipulation and Preliminary Injunction Order by personal service or otherwise (including without limitation, UBS Securities, LLC, UBS Limited, London, and UBS AG, Zurich), and each of them, hold and retain within their control, and otherwise prevent any

disposition, transfer, pledge, encumbrance, assignment, dissipation, concealment, or other disposal whatsoever of any assets related to the insider trading alleged in the Complaint, including any and all proceeds from the purchase and sale of 648 January 2011 \$25 call option contracts; 1,193 March 2011 \$25 call option contracts; and 775 June 2011 \$30 call option contracts, during the period of December 10, 2010 through December 21, 2010 for the benefit of UBS Ltd. London Branch A/C UBS Ltd. A/C 7314001500, Account No. 452602040, Customer ID 980235527, 1500, P.O. Box 8098, Zurich, Switzerland.

II.

In light of this Stipulation and Order, the parties hereto agree that the hearing regarding the Commission's request for a preliminary injunction extending the asset freeze scheduled for January 6, 2011 at 2:00 p.m. is rendered moot.

III.

The parties to this Stipulation agree to adjourn the expedited discovery schedule contained in Section VI of the Court's Temporary Restraining Order dated December 22, 2010. In lieu of such expedited discovery, the parties agree to meet and confer regarding a proposed discovery schedule and, within fourteen (14) days of executing this Stipulation or such other time as is mutually agreed, undertake to report to the Court regarding a proposed discovery schedule.

IV.

In all other respects, the parties to this Stipulation agree that the Court's December 22, 2010 Temporary Restraining Order remains in full force and effect pending final disposition of this action or such further order of this Court.

Dated: January 4, 2011

**SECURITIES AND EXCHANGE
COMMISSION**

BAKER & MCKENZIE LLP

By: RMH

Richard Hong (RH-4939)
Melissa A. Robertson
Louis J. Gicale, Jr.
Division of Enforcement
100 F Street, NE
Washington, DC 20549-1040
Telephone: (202) 551-4431 (Hong)
Facsimile: (202) 772-9246 (Hong)

By: Douglas M. Tween/RH

Douglas M. Tween
1114 Avenue of the Americas
New York, New York 10036
Telephone: (212) 626-4355
Facsimile: (212) 310-1655

SO ORDERED, this ___ day of January __, 2011

William H. Pauley III
The Honorable William H. Pauley III
United States District Judge

1/5/11